

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:19CR559
)	
Plaintiff,)	JUDGE SARA E. LIOI
)	
v.)	
)	
DEEPAK RAHEJA, <i>et al.</i> ,)	<u>STIPULATIONS</u>
)	
Defendants.)	
)	

The United States of America, through its undersigned attorneys, and the defendants, through their undersigned attorneys, hereby agree and stipulate to the following factual and evidentiary matters:

1. If called as witnesses, representatives of the respective physicians, hospitals, pharmacies, insurance companies, businesses,¹ banks, the Ohio Board of Pharmacy, Internal Revenue Service, Ohio Department of Taxation, and Bureau of Motor Vehicles would testify that the documents and materials they have provided were true and accurate copies of the documents and materials they purport to be within the meaning of Rules 803, 901, and/or 902 of the Federal Rules of Evidence. The parties further stipulate that the exhibits produced from those records are business records of their respective entities, were created contemporaneous with the events recorded therein, were created by someone familiar with the events recorded therein and were maintained in the ordinary course of their business.

2. In the case of hospital and physician patient records, the parties also stipulate that

¹ The parties have no agreement as to phone records (including text messages) that the government obtained from Avanir Pharmaceuticals.

patient² statements documented in the hospital and/or patient's medical file are admissible pursuant to Federal Rule of Evidence 803(4) as statements made for the purpose of medical diagnosis or treatment.

3. The parties agree to stipulate to the authenticity and chain of custody of equipment and paper and electronic documents seized from Defendant Raheja's offices and Defendant Hayslette's home and car as well as documents and electronic files produced by Defendants Raheja and Sawhny in response to subpoenas and pursuant to Fed. R. Crim. P. 16. The parties further stipulate and agree that they will not require custodial witnesses from the Federal Bureau of Investigation or Health and Human Services, Office of Inspector General, or the State Medicaid Fraud Control Unit to provide in-court testimony regarding the chain of custody for and authenticity of these documents and/or electronic evidence.

4. The parties further stipulate to the authenticity of the pharmacology reviews of Nuedexta, specifically those by the FDA (i.e., "package inserts" or "FDA label") from 2010, 2015, 2019, and the New Drug Application for Nuedexta by the Center for Drug Evaluation and

² Defendant Sawhny contends that the word "patient" should be expanded to include spouses and immediate family members serving as the caretaker for the patient. He argues that other federal courts have included spouses in this exception. *See Adams v. Crestwood Medical Center*, 504 F. Supp. 3d 1263, 1278 n.16 (N.D. Ala. 2020) ("[A]ny statements made by the [plaintiff and his spouse] in the medical record stand excepted from the hearsay rule as statements made for medical diagnosis or treatment pursuant to Federal Rule of Evidence 803(4)."); *see also Campos v. MTD Products, Inc.*, 2009 WL 425012, at *12 (M.D. Tenn. Feb. 19, 2009) ("Statements made by immediate family members of the patient are included under this exception to the hearsay rule, under the assumption that a patient and his immediate family members will be truthful in their statements to hospital staff, in the interest of preserving the patient's health."). The government asserts that it is clear that FRE 803(4) encompasses *patient* statements to physicians and that "803(4) applies only to statements made by the one actually seeking or receiving medical treatment." *United States v. Mason*, 294 F. App'x 193, 199 (6th Cir. 2008). In this respect, the government believes that the stipulation should be limited to patient statements, which all parties agree is clearly covered by Rule 803(4).

Research (CDER) at the Department of Health and Human Services (DHHS).

5. Medicare and Medicaid (including Managed Care Organizations like Caresource), are health care benefit programs under Title 18, United States Code, Sections 24(b) and 1347.

6. On or about the dates listed below, HealthSTAR mailed via United States Postal Service from its facility in New Jersey checks in the amounts listed below to Defendant Raheja:

	Date	Approx. Amount	Description
A	July 29, 2015	\$1,400.00	Check # 048577 from HSC to RAHEJA
B	September 28, 2015	\$1,900.00	Check # 052809 from HSC to RAHEJA
C	September 28, 2015	\$1,900.00	Check # 052815 from HSC to RAHEJA
D	September 28, 2015	\$1,900.00	Check # 052813 from HSC to RAHEJA
E	September 28, 2015	\$1,900.00	Check # 052810 from HSC to RAHEJA
F	September 28, 2015	\$1,900.00	Check # 052808 from HSC to RAHEJA
G	March 11, 2016	\$2,600.00	Check # 0010204 from HSC to RAHEJA
H	March 15, 2016	\$1,600.00	Check # 0010345 from HSC to RAHEJA
I	March 15, 2016	\$1,900.00	Check # 0010346 from HSC to RAHEJA
J	March 21, 2016	\$1,737.34	Check # 0010644 from HSC to RAHEJA

7. On or about the dates listed below, wire communications containing sign-in sheets for speaker programs were transmitted from Gregory Hayslette's iPad then located in Ohio to HealthSTAR servers in New Jersey:

	Date	Sign-in Sheet for Speaker Program Location	Value of Meal
A	July 29, 2015	Trivs	\$94.08
B	September 2, 2015	Giovanni's	\$124.54
C	September 16, 2015	Hyde Park	\$124.50
D	October 27, 2015	Delmonico's	\$112.49
E	December 8, 2015	Hyde Park	\$120.59
F	December 17, 2015	Chez Francois	\$120.11
G	December 21, 2015	Ken Stewart's	\$124.84
H	January 6, 2016	Hyde Park	\$123.24
I	January 21, 2016	Rosewood Grill	\$93.82
J	January 25, 2016	Trivs	\$117.84

8. Deepak Raheja was the owner and registered user of the email accounts deerah1@yahoo.com and deerah@vzw.blackberry.net and the phone numbers (440) 829-0877, (440) 823-1515 and (216) 687-4044.

9. Frank Mazzucco was the owner and registered user of the email account fmazzucco@avanir.com and the phone number (614) 338-9827.

10. Bhupinder Sawhny was the owner and registered user of the email account docsawhny@gmail.com and the phone number (440) 463-9119.

11. Gregory Hayslette was the owner and registered user of the email account ghayslette@gmail.com and the phone number (517) 282-1518.

12. Miranda Young was the owner and registered user of the phone number (440) 785-9362.

13. Patient S.S., listed by initials in Counts 1 (para. 59(b) and (c)), 42 (para. 78(w)), 58, 69, and 70, is deceased.

Dated: 10/3/22

Respectfully submitted,

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